

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Craig J. Schroeder

Appln. No.: 10/799,252

Filed : March 12, 2004

For : PROCESS FOR THE MANUFACTURE OF
CHEESE BASE AND THE PRODUCTS
MADE THEREFROM

Docket No.: L111.12-0102

Group Art Unit: 1761

Examiner: L.A. Wong

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA ELECTRONIC FILING

Sir:

This is in response to the Office Action dated June 12, 2007. The Office Action rejected claims 1-14, 19-34, and 41-61 under 35 U.S.C. 102(b) or in the alternative under 35 U.S.C. 103(a) as obvious over Blazey et al. (U.S.Pat. No. 6,177,118). The Office Action stated that Blazey et al teach a method of making a cheese base and cheese comprising mixing milk or a milk derivative with citric acid to a pH of about 5.0 to 6.8 and ultrafiltering the treated milk. The Examiner further stated that Blazey et al. also teach the addition of emulsifying salts and that the pH adjustment occurs without precipitation. The Office action stated that claims differ as to the specific recitation of chelation and that chelation is inherent and/or obvious to that of Blazey et al. as the same components and process steps are used.

Applicant respectfully disagrees. Independent claims 1, 19 and 41 of the present invention recite that the chelating agent is added to milk while the milk is in a turbulent state, i.e. not still. In contrast, Blazey et al. teach that upon addition of the acid, the milk is held quiescently for a period of time. See Example 1, Col. 8, lines 12-13, and lines 32-34. In fact, a number of other examples in Blazey et al. use the method described in Example 1 to make the retentate. See, for example, Col. 9, lines 16-19 and lines 28-29. Applicant submits that the

claims in the present application are not anticipated by Blazey et al. since the claims require the milk to be in a turbulent state. Furthermore, the claims are not obvious in view of Blazey et al. because Blazey et al. teach away from the claimed invention. Blazey et al. teach holding the milk in a quiescent state not a turbulent state as recited in all of the independent claims 1, 19 and 41.


Based on the discussion above, Applicant requests the withdrawal of the rejections under 35 U.S.C. 102(b) or alternatively under 35 U.S.C. 103(a) over Blazey et al.

It is believed that the claims, as written, are allowable over the prior art and allowance of the claims is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 
Z. Peter Sawicki, Reg. No. 30,214
Suite 1400
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

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